

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Robbie White,

Plaintiff,

v.

Case No. 1:12cv344

Commissioner of Social Security,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation filed by the Magistrate Judge on May 6, 2013 (Doc. 13).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge's Report and Recommendation (Doc. 13) have been filed.

Accordingly, it is **ORDERED** that the Report and Recommendation (Doc. 13) of the Magistrate Judge is hereby **ADOPTED**. The decision by the Commissioner is **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. §405(g). Consistent with the Magistrate Judge's Recommendation on remand, the ALJ is instructed to: (1) carefully reconsider evidence of Plaintiff's fibromyalgia and/or rheumatoid arthritis, and Dr. Ware's opinions as Plaintiff's treating physician; (2) reconsider the functional assessment completed by the

occupational therapist, and the weight to be given to Dr. Albert's RFC opinions; and (3) re-evaluate Plaintiff's credibility and allegations of disabling pain.

**IT IS SO ORDERED.**

s/Michael R. Barrett  
Michael R. Barrett  
United States District Judge